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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,402	05/08/2001	Joe F. Britt JR.	14531.5.1.5	1907

22913 7590 11/28/2003

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/28/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/851,402

Applicant(s)

Britt, Jr. et al

Examiner

Steve Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/9/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Donohue (6202207).
4. Regarding claim 1, Donohue shows a client system with computer and program instructions communicating with a server (Figure 1, 2, column 2 lines 15-30 and 65-68, column 3 lines 1-5), a method of restoring a corrupted portion of program instructions at the client (column 4 lines 5-22, column 5 lines 35-50) including: checking the validity of system program instructions and application program instructions at the client to determine if a corrupted portion exists (column 6 lines 11-35 and 40-50, column 11 lines 5-30), and if determined that either have

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a corrupted portion, connecting the client to the server (such as over the Web column 9 lines 45-60), receiving replacement instructions from the server and replacing the corrupted portion with the replacement instructions (column 9 lines 55-68, column 10 lines 16-39).

5. Regarding claim 2, validity check uses a checksum technique (column 13 lines 45-60, column 14 lines 55-68).

6. Regarding claim 3, the act of connecting the client to the server includes selecting a local connection script associated with the server (column 8 lines 1-20, inherent).

7. Regarding claim 4, a default connection script is read from the memory of the client to connect to a remote computer and the selected local script is downloaded (column 8 lines 30-65, column 20 lines 45-65).

8. Regarding claim 5, the replacement instructions are automatically (without user intervention) requested after connecting to the server, and received (column 7 lines 4-16).

9. Regarding claim 7, the replacement instructions are written to a random access memory, decompressed, and written to a flash memory of the client (column 20 lines 30-65, inherent).

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10. Regarding claim 8, the instructions are received over the Internet (column 10 lines 1-10).
11. Regarding claim 9, the application instructions include a browser which may include the corrupted portion (column 9 lines 1-6, column 13 lines 15-22, inherent).
12. Regarding claim 11, validity is checked during initialization (column 8 lines 20-25).
13. Claims 12-13 show the same features as claims 1-2 respectively and are rejected for the same reasons.
14. Claim 14 shows the same features as claim 7 and is rejected for the same reasons.
15. Regarding claim 15, an example of this is checking validity upon an initialization sequence, and thus this is rejected for the same reasons as claim 12.
16. Claims 16-17 are rejected for the same reasons as claims 1-2. In addition, note that the portion being represented as a block is inherent.
17. Claim 18 is rejected for the same reasons as claim 8.

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18. Claims 19-20 are rejected for the same reasons as claims 6-7.
19. Regarding claim 22, checking validity comprises identifying specific addresses associated with the identified corrupted blocks (column 19 lines 35-55, inherent).
20. Claim 23 is rejected for the same reasons as claim 7.
21. Claim 24 is rejected for the same reasons as claim 5.
22. Claims 25-26 are rejected for the same reasons as claims 16-17.
23. Claim 27 is rejected for the same reasons as claim 23 (and claim 7).
24. Claim 28 is rejected for the same reasons as claim 15.
25. Claim 29 is rejected for the same reasons as claim 22.

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26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (6202207).

28. Regarding claim 10, Donohue does not specifically show the Java applet, but Examiner takes Official Notice that it is common in the art to use Java applets to transmit instructions over the Internet. Donohue shows transmitting instructions over the Internet. It would have been obvious to a person with ordinary skill in the art to use Java applets in the invention of Donohue, because it would be an efficient way to transmit instructions over the Internet.

29. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue (6202207) and McFadden et al (6614804).

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30. Regarding claims 6 and 21, Donohue does not specifically go into the details of using the satellite link to download the instructions, but does mention efficient downloading of instructions over a network. Furthermore, McFadden shows efficient downloading of instructions over a network, using a satellite link (column 2 lines 55-67, column 4 lines 5-35). It would have been obvious to a person with ordinary skill in the art to use a satellite link in the invention of Donohue, because it would be an efficient way to download instructions over a network.

31. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306

Official Communication




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX  
PRIMARY EXAMINER